



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,419	12/17/2001	Henry Harness	10422.0002.DVUS01	2302

7590

03/12/2003

HOWREY  
ATTORNEYS AT LAW  
750 BERING DRIVE  
HOUSTON, TX 77057-2198

EXAMINER

DAVIS, OCTAVIA L

ART UNIT

PAPER NUMBER

2855

DATE MAILED: 03/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/023,419

Applicant(s)

Harness et al

Examiner

Octavia Davis

Art Unit

2855



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 20) ☐ Other:

Serial Number: 10/023, 419

Art Unit: 2855

3/4/03

## **DETAILED ACTION**

1. This application appears to be a division of Application No. 09/176, 011, filed 10/20/1998. A later application for a distinct or independent invention, carved out of a pending application and disclosing and claiming only subject matter disclosed in an earlier or parent application is known as a divisional application or "division." The divisional application should set forth only that portion of the earlier disclosure which is germane to the invention as claimed in the divisional application.

### ***Specification***

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102

that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Birch et al.

Regarding claim 1, Birch et al disclose a device for converting liquid fuel into fuel vapor comprising a converter 10 of which includes a cylindrical housing 16 ( See Fig. 5 ) and having an inlet port and an outlet port and a heating means 40 ( See Fig. 3 ) connected to the converter 10 ( See Col. 6, lines 1 - 40 ).

### *Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2 - 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Birch et al in view of Fletcher et al.

Regarding claims 2 and 4, Birch et al lacks a teaching of a plurality of heating

elements disposed in the cylinder. However, Fletcher et al disclose a heat transfer cylinder comprising a cylinder 12 of which includes cylinder walls 30 and 40, inner and outer surfaces 36, 38 heating elements 10. Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to modify Birch et al according to the teachings of Fletcher et al for the purpose of, allowing the surface temperature of the cylinder to be maintained uniformly at the desired temperature ( See Col. 7, lines 44 - 50 ).

Regarding claims 3, 5 and 6, Birch et al lacks a teaching of the side wall having a plurality of apertures, each aperture including one of the heating elements. However, in Fletcher et al, the heating elements 10 are capable of being made integral with the cylinder wall by insertion of the heating elements into preformed receptacles of the cylinder ( See Col. 12, lines 16 - 25 ).

Regarding claim 7, Birch et al disclose a fuel line 26 which aids a fuel pump 24 in supplying fuel to injectors 28 ( See Fig. 9 ), the heating elements 40 are capable of being disposed in the walls of chamber 22 of which is formed by the combination of the fuel converter 10, the housing 16 and end plates 18, 20 ( See Col. 6, lines 33 - 35 and 1 - 4 ).

7. Any inquiry concerning this communication should be directed to Examiner Octavia Davis at telephone number ( 703 ) 306 - 5896. The examiner can normally be reached on Monday - Friday ( 9:00 - 5:00 ), alternate Mondays off.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is ( 703 ) 308 - 0956.

*MD*

OD/2855

*E. S. McCall*  
ERIC S. McCALL  
PRIMARY EXAMINER